

# **FINDING OF NO SIGNIFICANT IMPACT**

## **Fire Management Plan**

### **New River Gorge National River Gauley River National Recreation Area Bluestone National Scenic River**

#### **Raleigh, Fayette, Nicholas and Summers Counties West Virginia**

## **INTRODUCTION**

New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River are situated in Raleigh, Fayette, Nicholas, and Summers Counties in southern West Virginia. In 1978, Congress designated approximately 52 miles and 62,000 acres of the lower New River watershed as New River Gorge National River. In 1988, the West Virginia Rivers Bill expanded the boundaries of New River Gorge National River and designated 31 miles and 10,300 acres of the Gauley and Meadow Rivers as the Gauley River National Recreation Area and 10.5 miles and 4,268 acres of the Bluestone River as the Bluestone National Scenic River.

The purposes of the parks is to protect and enhance the natural, scenic, cultural, and recreational values for the benefit of present and future generations

The park is characterized by complex terrain, with steep narrow river canyons and adjoining tablelands. Elevation varies from 830 feet to 3,280 feet. Because of its regional location and varying habitats, the vegetation complex of the park includes species from northern, central and southern forest types.

An environmental assessment (EA) was prepared to better understand the environmental effects associated with activities which will be incorporated in the park's Fire Management Plan, including wildland fire suppression, prescribed fire, and manual/mechanical thinning hazardous fuels reductions. Environmental issues identified during scoping and evaluated in the EA included fire-fighter and public safety; geology and soils; air quality; water resources; floodplains and wetlands; vegetation; wildlife; threatened, endangered, or sensitive species; transportation and utilities; visitor experiences and aesthetic resources; and cultural resources. Because of the park's linear shape and the potential to ignite unknown coal seams and coal refuse piles, wildland fire use was not considered in the park's selected alternative.

## **SELECTED ALTERNATIVE**

The alternative evaluated in the EA that has been selected for implementation is Alternative 2, the preferred alternative. Even though New River Gorge National River, Gauley River National Recreation Area and the Bluestone National Scenic River are three distinct areas, the parks will probably be managed as a single fire management unit (FMU). Under the selected alternative, all

wildland fires in the park, human-caused fires and naturally ignited fires (e.g. lightning), will be declared wildland fires and suppressed using an appropriate management response. Appropriate management response (AMR) provides for the full range of suppression strategies for management of wildland fires. Under this scenario, managers may choose to utilize natural or man-made barriers in a confine strategy to lower cost, increase firefighter safety, or minimize the negative impacts of suppression actions. Wildland fire suppression activities will follow Minimum Impact Suppression Tactics (MIST) guidelines. Mechanical treatment would be used to clear vegetation away from structures, cultural resources, private property boundaries, and other high-value resources in order to reduce fire spread potential, create defensible space, and provide increased public and firefighter safety. Prescribed burning may be conducted for maintenance of wildlife habitat, hazard fuels reduction, maintenance of fire-dependent species, and research. Prescribed fires would be planned and approved consistent with the method and format required by RM-18, including compliance with smoke management regulations or guidelines. Prescribed fire and mechanical treatments may be used individually or in combination (including sequence) to achieve natural resource, cultural landscape, and fuels management objectives.

Predicting the average annual acreage of unwanted wildland fire which might occur under the selected alternative is quite uncertain, dependent as it is on climatic conditions, fuels conditions, locations and other factors. In the first years following establishment of the park, there were 25-30 fires annually. In recent years only 4-8 wildland fires have occurred annually. Over 80% of wildland fires have been limited to 10 acres or less. If the park averaged 5 to 10 fires per year within the protection area, and fire size averaged 10-15 acres, the annual burned area would probably be 50-150 acres. In a typical 5-year period, 25 to 50 fires may burn 250-750 acres. Appropriate management response (AMR) provides for the full range of suppression strategies for management of wildland fires. Under this scenario, managers may choose to utilize natural or man-made barriers in a confine strategy to lower cost, increase firefighter safety, or minimize the impacts of suppression actions. Under the selected alternative, the acreage burned by wildland fire may increase slightly from the current estimated 50 to 150 acres since fire managers would have the option of selecting from the full range of suppression strategies.

Prescribed fire and mechanical treatments may be used individually or in combination (including sequence) to achieve natural resource, cultural landscape, and fuels management objectives.

Mechanical treatment would be used to clear vegetation away from flammable structures, cultural resources, and other high value resources to reduce spread potential and increase defensible space. Mechanical methods include cutting, mowing, weed-whipping, chopping, sawing and similar activities using hand-held tools. For example, to increase the defensibility of a wooden structure, tree numbers may be reduced to perhaps 20-40 stems per acre, trees may be limbed to a height of 5 or 6 feet to reduce the potential for carrying fire from surface vegetation into tree crowns, shrubs may also be reduced to slow fire spread near the ground surface. Mowing and weed-whipping would reduce the height – and thus potential flame length – of herbaceous fuels. As a general rule, if creating defensible space is the objective, hazard fuels projects would only extend 30-50 feet from the protected structure. In other cases, hazard fuels reductions may be associated with reducing the fuel load which has accumulated over time in the absence of fire or fuel loads that are exacerbated by prolific growth of invasive non-native species (e.g. kudzu). An annual average of about 70-75 acres may be treated by mechanical reduction of hazardous fuels. Treated fuels may be removed from the project area, chipped and spread on the ground surface,

or in some cases stacked in piles and burned. The nature and location of the hazard fuels project would largely determine the method of disposal (e.g. near a historical structure, it may be most appropriate to chip and scatter or entirely remove the harvested fuels – pile burning may not be appropriate near the historic structure).

Hand crews and chain saws would be the primary means of mechanical fuel management used in forested and shrub habitats near park boundaries and close to park facilities at risk from wildland fires. In areas with grasslands, mowing machines would be the primary means of treatment. Lightweight vehicles would be appropriate in areas where impact, slope, aspect, vegetation type and structure, and distance from developed areas dictate their use. Park personnel and contractors using hand and power tools would perform mechanical fuel reduction in the treatment areas.

For research purposes, it is anticipated that no more than 10 prescribed fires will be conducted in oak, oak-pine, and oak-hickory communities totaling 70-100 acres over the initial 5-year period. Individual prescribed fires would seldom exceed 20 acres. In addition, approximately 70 acres of prescribed burning may be planned and conducted cooperatively with the West Virginia Department of Natural Resources on the Bluestone for wildlife management purposes over the initial 5-year period. These would be largely confined to areas downstream of the confluence with the Little Bluestone River.

If results of research burns during the initial 5-year period confirm that prescribed burning is an appropriate management tool, further prescribed burning may be conducted for hazard fuels reduction, wildlife management, maintenance of fire dependent communities, and continued research. All prescribed fires will be planned and approved consistent with the method and format required by RM-18, including compliance with smoke management regulations or guidelines.

## **MITIGATION MEASURES**

Fire management actions identified in the selected alternative have the potential to adversely affect natural and cultural resources. Measures that will be incorporated into the selected alternative to avoid or minimize adverse impacts of wildland fire suppression, hazard tree removal, and/or hazard fuel reductions include:

- Use of rubber-tired vehicles (rather than tracked vehicles) involved in fire suppression, prescribed burning, and mechanical hazard fuels reduction projects to minimize the potential of disturbing archeological sites. Avoiding wet and fragile soils, staying on surfaced roads when possible, and making broad rather than sharp turns are other means of further reducing ground disturbance.
- Use of water and/or natural barriers as much as possible rather than construction of handlines to contain wildland and prescribed fires to minimize the potential of disturbing archeological sites.
- A suite of mitigation actions, used either individually or in combination, to reduce the potential effect of wildland fires and suppression actions on historic structures. These include blacklining around the structures, treating with fire retardant foam, wrapping with heat reflective materials, and establishing sprinkler systems on and around structures concurrent with wildland fire suppression activities.

- Contact resource management concurrent with the detection of wildland fires and during planning stages of hazard fuels reduction projects and prescribed burns.
- Monitor fire management activities and halt work if previously unknown cultural resources are located; protect and record newly discovered resources.
- Brief suppression, prescribed fire, and hazard fuels personnel about protecting cultural resources.
- In fire suppression operations, protection of structures and features will be more important than minimizing acres burned.
- Minimum impact suppression tactics would be employed in all tactical operations except as noted below.
- Fire retardant, if used, must be on the approved list of retardants used by the U.S. Forest Service and USDI Bureau of Land Management. Fire retardant would not be used within 300 feet of surface water resources.
- Motorized equipment would not normally be used off of established roadways in the park. However, due to potential rapid rates of spread and the emergency nature of fires near the boundary, off-road use of motorized equipment, such as all-terrain vehicles and wildland fire engines, may be authorized by the Superintendent.
- All extended attack and prescribed fire operations would have a park employee designated and available to assist suppression operations as a Resource Advisor. If qualified employees were not available, a Resource Advisor would be ordered through the inter-agency dispatch system.
- Helicopters may be used to transport personnel, supplies and equipment. Improvement of landing sites would be kept to a minimum and would include consultation with the assigned Resource Advisor. Helibases and landing sites would be rehabilitated to pre-fire conditions to the extent reasonably possible.
- Suppression actions would avoid aerial and ground applications of retardant or foam within 300 feet of identified water sources.
- Except for spot maintenance to remove obstructions, no modifications would be made to roadways, trails, water sources, or clearings. All sites where modifications are made or obstructions removed would be rehabilitated to pre-fire conditions to the extent reasonably possible.
- Earth moving equipment such as tractors, graders, bulldozers, or other tracked vehicles would not be used for fire suppression or prescribed fire. If special circumstances warrant extreme measures to ensure protection of life or particularly valuable resources, the Superintendent may authorize the use of heavy equipment. Such use would probably be restricted to the park boundary near residences.
- Fireline location would avoid sensitive areas wherever possible. Such sensitive areas as identified by the park may include cultural or natural resources, pipelines, and other resources or facilities as may be damaged by fire suppression efforts.
- Following fire suppression activities, firelines would be re-contoured and water-barred.
- Unless required for suppression or safety reasons, snags should not be felled; they should be retained for wildlife benefit.
- As a matter of practice, burned areas would not be reseeded unless there are overriding concerns about establishment of invasive non-native species. Any reseeded would be with native species and occur only with the Superintendent's prior approval.

- Hazard fuels removal around historic structures would mitigate the potential for impacts from wildland fires. Park staff will complete Section 106 consultation with the West Virginia State Historic Preservation Officer (SHPO) prior to implementing hazard fuel reduction projects.
- Park staff will complete Section 7 consultation with the U.S. Fish and Wildlife Service prior to implementing prescribed fire and hazard fuel reduction projects.
- Other standard cultural resource mitigation measures include the following: prior to doing treatment work, conduct an inventory of previously unsurveyed areas using an archeologist who meets the Secretary of the Interior's standards; dispose of slash in areas lacking cultural sites; avoid ground disturbance in areas containing known cultural sites; prior to implementation of work, protect character-defining elements of potential cultural landscapes.
- Fireline location should avoid riparian areas to minimize adverse impacts to rare and listed plants.
- Prescribed fires will not be planned near cultural and other (e.g. pipelines, power lines) sensitive resources unless adequate planning has assured their protection.
- Park staff will complete Section 106 consultation with the West Virginia State Historic Preservation Officer (SHPO) prior to implementing prescribed fire projects.

## **OTHER ALTERNATIVES CONSIDERED BUT NOT SELECTED**

### ***The No Action Alternative***

Under the no-action alternative, the fire and fuels management program would consist of initial attack on wildland fires and leaf blowing near boardwalks and park facilities to remove flammable materials from adjacent to the boardwalks and park facilities.

Predicting the average annual acreage of unwanted wildland fire is quite uncertain, dependent as it is on climatic conditions, fuels conditions, locations and other factors. In the first years following establishment of the park, there were 25-30 fires annually. In recent years only 4-8 wildland fires have occurred annually. Over 80% of wildland fires have been limited to 10 acres or less. If the park averaged 5 to 10 fires per year within the protection area, and fire size averaged 10-15 acres, the annual burned area under the no action alternative would probably be 50-150 acres. In a typical 5-year period, 25 to 50 fires may burn 250-750 acres.

Although mechanical treatment of hazardous fuels has occurred in the past, the only project currently approved is leaf blowing near boardwalks and park facilities.

The no action alternative was rejected because it does not meet the management objectives of New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River as fully as does the selected alternative. The no action alternative does not effectively provide for the maintenance of fire dependent ecosystems. Further, it does not allow for the effective removal of hazardous fuels.

### *Alternative 3*

This alternative is similar to Alternative 2 except that use of prescribed fire would not be permitted. Using an appropriate management response to unwanted wildland fire, fire managers may choose to utilize natural or man-made barriers in a confine strategy to lower cost, increase firefighter safety, or minimize the impacts of suppression action. Mechanical treatment of hazard fuels would be the same as under Alternative 2. The acreage burned by wildland fires may increase slightly from Alternative 1 since fire managers would have the option of selecting from the full range of suppression strategies.

Alternative 3 was not adopted because it does not meet the management objectives of New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River as fully as does the selected alternative. Alternative 3 does allow for the effective removal of hazardous fuels, but it does not effectively provide for the maintenance of fire dependent ecosystems.

### *Alternatives Considered and Rejected*

Two additional alternatives were identified and considered in the scoping process. Neither was regarded as reasonable within the context of NPS policies (Director's Order 12, Section 2.7B); both were therefore eliminated from further analysis. Section 2.7B identifies as unreasonable alternatives those which could not be implemented if they were chosen, which cannot be implemented for technical or logistical reasons, that do not meet park mandates, that are not consistent with management objectives, or that may have severe environmental impacts.

Alternative 4 was called the wildland fire use alternative. This alternative would employ the full range of available fire management strategies including appropriate management response, wildland fire use, and prescribed burning. If this alternative was selected, all unplanned ignitions would be subjected to Stage I analysis pursuant to the Wildland and Prescribed Fire Management Policy: Implementation Procedures Reference Guide. Mechanical fuel reduction methodologies would be the same as under Alternatives 2 and 3. This alternative differs from other alternatives in its authorization of wildland fire use (i.e. wildland fire used for resource benefit). This alternative was rejected because of potential conflicts with residential communities and cooperating agencies. The concept was supported by some partners and may be a viable alternative some years in the future when and if public support, refinement of desired conditions, and additional information on local fire ecology become available.

Alternative 5, the no management alternative, would allow all wildland fires to burn unimpeded by management action. No other manipulative activities (e.g., hazard fuels management) would be permitted. This alternative was rejected because it compromises public safety, causes undue risk to values to be protected (e.g., historic structures) and is inconsistent with federal policy and regulations.

### **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed by §101 of the National Environmental Policy Act (NEPA). This includes alternatives that:

- 1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- 2) ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- 3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- 4) preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- 5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- 6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

In essence, the environmentally preferred alternative would be the one(s) that “causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources”.

In this case, the Park's Selected Alternative is also the environmentally preferred alternative for New River Gorge National River since it best meets goals 1, 2, 3, and 4 described above. Under this alternative, fire management activities would restore and maintain native plant communities in the park and help protect park resources and adjacent lands from the threat of wildland fires. Finally, the alternative best protects and helps preserve the historic, cultural, and natural resources in the park for current and future generations.

#### **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined at 40 CFR §1508.27, from the regulations of the Council on Environmental Quality that implement the provisions of NEPA, significance is determined by examining the following criteria:

***Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.***

There are overall benefits to the human and natural environment at New River Gorge National River from the proposed action. The selected alternative in particular would have positive effects on the human health and safety of the park's visitors, staff, and neighboring residents, on

park facilities, vegetation communities, and landscapes. Hazard fuels reduction would lessen the possibility of wildland fire spreading from park lands to adjacent private or public lands.

The selected alternative does not entail any significant adverse impacts on firefighter and public safety; geology and soils; air quality; water resources; floodplains and wetlands; vegetation; wildlife; threatened, endangered, or sensitive species; transportation and utilities; visitor experiences and aesthetic resources; and cultural resources. These impacts are negligible to minor, localized, adverse or beneficial, and short-term. None of the impacts rise to the level of significance.

***The degree to which the proposed action affects public health or safety.***

When conducting fire management activities, human health and safety is the primary concern. Under the selected alternative, there will likely be very minor human health and safety impacts (small cuts and bruises) to firefighters resulting from wildland fire suppression, prescribed burning and mechanical reduction of hazard fuels. The selected alternative provides the best protection since appropriate management response to wildland fires, prescribed burning and hazard fuels reduction activities in the park will minimize the fire danger to the park staff and nearby private residences and communities.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, and wetlands.***

As described in the EA, the intent of the action alternatives was to provide the maximum amount of protection for the important natural and cultural resources of the park. After consultation with the West Virginia State Historic Preservation Office it was determined that the implementation of the selected alternative will result in no significant adverse effects to cultural resources since during fire management activities mitigation measures will be put in place to protect these areas.

Some soils in New River Gorge National River are classified as prime and unique farmlands. However, the proposed action does not include any components such as construction or water developments that would change the use of the land or diminish the potential value of the lands as designated. The cumulative impact of the selected alternative on prime and unique farmlands is negligible.

***The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

There were no controversial impacts identified during the analysis done for the EA, and no controversial issues were raised during the public review of the EA.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.***

There are no identified risks associated with the selected alternative that are unique or unknown, and there are no effects associated with the selected alternative that are highly uncertain identified during the analysis for the EA or during the public review of the EA.



***The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The selected alternative does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. The purpose of this action is to develop a fire management plan and program that achieve desired natural and cultural resource conditions while minimizing the fire danger to park resources and adjacent lands from hazardous fuel accumulations.

Under such a program, hazard fuels reduction treatments and prescribed burning would be conducted over several years to enhance wildlife habitat, manage native plant communities, reduce hazardous fuels, restore and protect the historic vistas, and to reduce the extent of noxious weeds. This program will be evaluated and, if necessary, revised during future revisions to the park's Fire Management Plan.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

Cumulative impacts were evaluated in the EA for all impact topics, including firefighter and public safety; vegetation; wildlife and wildlife habitat; threatened, endangered, or sensitive species; air quality; floodplains and wetlands; geology and soils; cultural resources and cultural landscapes; and visitor experience and aesthetics. Cumulative impacts expected under the selected alternative ranged from negligible to minor. The EA determined that there will be no significant cumulative impacts associated with the selected alternative.

***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.***

Thousands of documented and potential historic buildings and structures are located within the protection area. Because of the developmental pattern of the area, historic sites range from small family farmsites with original structures dating from the late 1790s to entire abandoned mining communities dating to the late 19<sup>th</sup> through mid-20<sup>th</sup> centuries. More than fifty of these remaining structures are owned by the National Park Service and appear to be eligible for inclusion in the National Register of Historic Places. Currently, five areas in the park are listed in the National Register of Historic Places: Thurmond, Bank of Glen Jean building, Prince Store, Kaymoor Mine site, Hinton, and Trump-Lilly farmstead. Approximately 70 significant historic buildings and structures are listed on the park's List of Classified Structures (LCS).

Historic and cultural assessments of sites within the protection area are currently being inventoried and evaluated. As research projects are finished, it is likely that significant numbers of sites will be identified and nominated to the National Register. More than 90% of the identified structures are in the interface zone and would be directly or indirectly threatened by wildland fire.

Archeological surveys have identified 350-400 prehistoric sites within the protection boundary although estimates of the number of potential prehistoric sites run as high as 5000 (David N.

Fuerst, personal communication, 2003). Site locations indicate an extensive rather than intensive use of the land in the park by hunting/gathering peoples. Most sites (over 75 percent) were found in upland settings and were classified as camps. Many of these sites are located near the confluence of streams and rivers. Sites identified as burial mounds were rare. In most cases the cultural affiliation of specific prehistoric sites is not known since diagnostic artifacts were not recovered from them. Most of the sites with identifiable components date to the Late Archaic period, which spans the time from about 3000 to 5000 years ago. The association between prehistoric sites and Native American tribes has not yet been established although the Shawnee and Siouan-speaking groups like the Tutelo and Saponi lived in areas adjoining the park.

Ethnographic resources have not been fully inventoried or evaluated in the park through an Ethnographic Overview and Assessment although one is currently being prepared for Gauley River NRA and New River Gorge NR. There are currently no federally recognized Native American tribes associated with the area which will be covered by the Fire Management Plan. No traditional cultural properties have been identified. If ethnographic resources that might be affected by wildland or prescribed fire are identified during this review, those resources will be appropriately protected in the Fire Management Plan. Such protection may involve protecting private historic buildings where heirlooms, historic letters and photographs, and other information is stored.

Six cultural landscapes have been studied at New River Gorge National River in ongoing investigations. Although all of these have associated buildings and structures, only one, the one at Thurmond, is part of a National Register listed property. If additional cultural landscapes that might be adversely affected by wildland or prescribed fire are identified in the future, those landscapes will be appropriately protected in the Fire Management Plan.

The EA was written in compliance with Section 106 of the National Historic Preservation Act, and it was determined by consultation with the West Virginia State Historic Preservation Office that the proposed action will have no adverse effect on the cultural resources of the park (Letter dated January 18, 2005). The letter of concurrence also requests that the SHPO be notified of any damage to historic resources from fire or fire management activities and be provided with a copy of the damage assessment.

***The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.***

Three federally-listed species occur or may occur in New River Gorge National River, Gauley River National Recreation Area, and Bluestone National Scenic River. These include the endangered Indiana bat (*Myotis sodalist*), the endangered Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and the threatened Virginia spiraea (*Spiraea Virginia*). The U.S. Fish and Wildlife Service and the West Virginia Division of Natural Resources encourage consideration of the following species which may occur within the park: eastern woodrat (*Neotoma floridana magister*), southeastern big-eared bat (*Plecotus rafinesquii*), small-footed myotis (*Myotis leibii*), Cerulean warbler (*Dendroica cerulean*), candy darter (*Etheostoma osburni*), Kanawha minnow (*Phenacobius teretulus*), hellbender (*Cryptobranchus alleganiensis*), sidelong supercoil (*Paravitrea ceres*), elktoe mussel (*Alasmidonta marginata*), Diana fritillary butterfly (*Speyeria Diana*), Barbara's buttons (*Marshallia grandiflora*), horse-mint (*Monarda*

*fistulosa* var. *virginica*), and butternut (*Juglans cinerea*). In addition, the West Virginia Natural Heritage Program has identified 46 other rare or sensitive plant species.

The National Park Service has determined that the selected alternative *may effect, but is not likely to adversely affect* the identified species. In a letter dated January 28, 2005, the West Virginia Field Office of the U.S. Fish and Wildlife Service concurred that the proposed action is not likely to adversely affect any federally listed species. The letter notes, as did the EA, that individual Section 7 consultations will be completed prior to implementing any prescribed fire or hazard fuel reduction projects.

***Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.***

This action violates no federal, state, or local environmental protection laws.

## **IMPAIRMENT**

The National Park Service Organic Act of 1916 and related laws mandate that the units of the national park system must be managed in a way that leaves them “unimpaired for the enjoyment of future generations.” These laws give the NPS the management discretion to allow certain impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values. Director’s Order 12 states that environmental documents will evaluate and describe impacts that may constitute an impairment of park resources or values. In addition, the decision document will summarize impacts and whether or not such impacts may constitute an impairment of park resources or values. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

1. necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,
2. key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
3. identified as a specific goal in the park’s general management plan or other relevant NPS planning documents.

In addition to reviewing the list of significance criteria, the National Park Service has determined that implementation of the proposal will not constitute an impairment to the critical resources and values of the New River Gorge National River, Gauley River National Recreation Area and Bluestone National Scenic River. This conclusion is based on a thorough analysis of the environmental impacts described in the Fire Management Plan EA, public comment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies*. The plan under the selected alternative will result in only negligible to minor adverse direct, indirect, and cumulative impacts to firefighter and public safety; geology and soils; air quality; water resources; floodplains and wetlands; vegetation; wildlife; threatened, endangered, or sensitive species; transportation and utilities; visitor experiences and aesthetic resources; and cultural resources. Overall, the plan results in benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

## PUBLIC INVOLVEMENT

Internal scoping was conducted with the park's Interdisciplinary Team. The park also conducted external scoping with partners, cooperators and permitting agencies. Issues which were raised in scoping included:

- Fire events may have adverse impacts on sensitive cultural and natural resources within the park.
- Fire events near the boundary may threaten or otherwise adversely impact local residential communities.
- Fire events may encourage the proliferation of invasive non-native species; conversely fire may be used under some conditions for management of invasive non-native species.
- Impacts of fire on vegetation communities in the three parks are not well known; the literature on fire ecology in the central hardwoods region may not be universally applicable in the parks.
- Oak forests may be declining in the parks.
- Consultation should be initiated pursuant to §7 of the Endangered Species Act and §106 of the National Historic Preservation Act to ensure that proposed actions would not adversely effect endangered species and cultural resources.
- NHPA consultations may be performed under 36 CFR 800.12 when the President of the United States designates a national disaster area.

The park also conducted external scoping with, partners, cooperators, and permitting agencies. Mailings dated December 23, 2002, notified cooperators that a FMP would be developed. Comments or concerns were requested by January 31, 2003. In addition, phone calls were made to Hinton and Summersville units of the Army Corp of Engineers; Hawks Nest, Pipestem, and Babcock State Parks; the West Virginia Division of Forestry State, District and County Offices; West Virginia offices of The Nature Conservancy, and West Virginia Division of Natural Resources (Wildlife Section). The West Virginia State Historic Preservation Office was contacted. Please see Chapter 4 for a more complete list of agencies and groups contacted during external scoping. No additional issues were raised during external scoping.

The environmental assessment was made available for public review and comment during a 45-day period from November 1, 2004, through December 15, 2004. A legal notice announcing its availability was published in the five local newspapers on November 1, 2004. Copies of the EA were made available at five local libraries and park headquarters.

Three comment letters were received well after the comment period. These were from the West Virginia Division of Natural Resources (dated December 30, 2004), the West Virginia Division of Culture and History (SHPO, dated January 18, 2005), and the U.S. Fish and Wildlife Service (dated January 28, 2005).

The letter from the DNR notes that the eastern gray squirrel is *Sciurus carolinensis* rather than *Sciurus griseus* and that *Monarda fistulosa* var *brevis* occurs in BLUE and NERI. The letter recommends continued research, suggests that in some circumstances tracked vehicles may have

little impact on the soil surface and related resources, encourages the NPS to maintain a regularly updated list of rare species, and recommends continued surveys of sensitive resources.

The letter from the SHPO concurs with mitigations designed to lessen impacts on cultural resources, concurs that the selected alternative will have no adverse effect on cultural resources, and requests that the SHPO be notified of any damage to historic resources from fire and be provided with a copy of associated damage assessments.

The FWS letter notes that the NPS will consult with FWS on individual prescribed fire and hazard fuels reduction projects. It concurs with the NPS assessment that the selected alternative is not likely to adversely affect any federally listed species.

No public or cooperating agency comments were received which requested changes in the environmental analyses or disputed the conclusions of the analyses. Therefore, no changes are indicated to the text of the environmental assessment and no errata sheets are prepared.

## CONCLUSION

The selected alternative does not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible or minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:

\_\_\_\_\_  
Calvin Hite  
Superintendent

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Marie Rust  
Northeast Regional Director

\_\_\_\_\_  
Date